

1 Michael J. Raymond
2 mraymond@raymondgreerlaw.com
3 **Raymond, Greer & McCarthy, P.C.**
4 7373 N. Scottsdale Road, Suite D-210
5 Scottsdale, Arizona 85253
6 (602) 274-0500
7 Arizona State Bar No. 009272
8 Attorneys for Plaintiffs

9
10 Alan R. Anderson,

11 Plaintiff ,

12 vs.

13 British Airways, PLC, dba British
14 Airways,

15 Defendant.

16
17
18
19
20
21
22
23
24
25
26
Complaint

For his Complaint against defendant British Airways, Plaintiff Alan R. Anderson alleges as follows:

Parties and Jurisdiction

1. Alan R. Anderson, at the time of the accident alleged herein, had his fixed and permanent abode as Maricopa County, Arizona, and as such, his principal and permanent residence is deemed in Maricopa County, Arizona.

2. British Airways is an international airline incorporated in the United Kingdom with its principal place of business located in West Drayton, United Kingdom.

3. At the time of the events alleged herein, British Airways operated services for the carriages of passengers by air, either on its own

1 aircraft, or on another carrier's aircraft pursuant to a commercial agreement
2 to or from Phoenix Sky Harbor Airport, Maricopa County, Arizona.

3 4. This Complaint is brought pursuant to Article 17(1) of the
4 Convention for the Unification of Certain Rules for International Carriage by
5 Air, May 28, 1999, S. Treaty Doc. No. 106-45 (Montreal Convention).
6 Specifically, Anderson's claim concerns British Airways' liability as a carrier
7 for injury to Anderson as a passenger stemming from a December 4, 2019
8 accident which caused injury during the course of Anderson's embarking a
9 British Airways flight involving an "international carriage" as defined by
10 Article 2 and 3 of the Montreal Convention.

11 5. Pursuant to Article 33(2) of the Montreal Convention, this Court
12 has both subject matter jurisdiction and personal jurisdiction over the parties
13 since with respect to damage resulting from passenger Anderson's injuries,
14 an action may be brought in the District Court of Arizona as the United
15 States is the territory of a State Party in which Anderson has and had his
16 principal and permanent residence and British Airways operates services for
17 the carriage of passengers to and from Maricopa County, Arizona by air,
18 either on its own aircraft, or on another carrier's aircraft pursuant to a
19 commercial agreement; and secondarily, British Airways has purposefully
20 availed itself of the privilege of conducting business in Arizona so as to confer
21 to personal jurisdiction by reason of it having a continuous and repeated
22 presence in Arizona by means of operating flights in and out of Sky Harbor
23 Airport in Phoenix, Arizona; and thirdly, by registering with the Arizona
24 Corporation Commission and appointing a statutory agent for service of
25 process and thereby being authorized to conduct business in Arizona, British
26 Airways has consented to personal jurisdiction in Arizona.

Claim for Relief

6. Anderson is and was, at all times material to this Complaint, employed by Pratt Industries.

7. Just before embarking on an international business trip for his employer to London, England and Edinburgh, Scotland, Anderson was vacationing with his family in Southern California.

8. Ordinarily, Anderson would commence this international business trip from his home in Phoenix, Arizona. But due to the family vacation, the international business trip was to begin in Los Angeles and was scheduled for five days, including three nights hotel stay, two in London, England and one night in Edinburgh, Scotland before Anderson was scheduled to return to his residence in Phoenix, Arizona. A true and correct copy of Anderson's travel itinerary, prepared by CWT, a travel management company for business travel, is attached as Exhibit 1 which reflects flights, rental car and hotel information associated with the international business trip from December 1, 2019 – December 5, 2019.

9. On Sunday, December 1, 2019 Anderson commenced the first leg of his international business trip by flying on Delta Airlines from Los Angeles International Airport (LAX), Los Angeles, California to Heathrow Airport in London, England, ticket number 0067473326138. A true and correct copy of the Delta App screen shot reflecting this completed flight, posted December 5, 2019, is attached as Exhibit 2.

10. Anderson arrived at Heathrow Airport on the morning of December 2, 2019.

1 11. Anderson rented a car from Car National, attended to business
2 on behalf of his employer, Pratt Industries, and spent two nights at the
3 Hilton Garden Inn near Heathrow Airport.

4 12. On Wednesday morning, December 4, 2019, Anderson had a
5 confirmed ticket on the next segment of his international flight, British
6 Airways flight 1432 from London's Heathrow Airport to Edinburgh, Scotland,
7 United Kingdom, confirmation number CODVQT, seat 3C. A true and correct
8 copy of Anderson's ticket on the British Airways flight is attached as Exhibit
9 3.

10 13. Immediately after handing his ticket to the gate agent inside the
11 Heathrow Airport terminal, Anderson and his co-employee walked down the
12 jetway at Heathrow Airport to board flight 1432 destined for Edinburgh.

13 14. While inside the jetway and while under the control of British
14 Airways, Anderson slipped and fell on a wet surface, causing damage to his
15 knee, wrist and most critically, his ankle.

16 15. Despite being in pain and uncertain of the extent of his injuries,
17 Anderson continued with the business trip. He boarded the British Airways
18 flight to Edinburgh and reported the accident to a flight attendant. He flew
19 on the British Airways flight to Edinburgh, arriving on the morning of
20 December 4, 2019.

21 16. That same day, Anderson received an email from British Airways
22 Customer Services, attached as Exhibit 4, acknowledging the "issue",
23 assigning case reference number 21365666, and advising that Anderson
24 should hear back from British Airways shortly. He never did.

25 17. Although he was in significant pain and was unable to walk
26 without crutches, Anderson decided to complete his business trip to the best

1 of his ability though he was unable to complete a scheduled plant tour in
2 Edinburgh.

3 18. Anderson spent the evening of December 4, 2019 at the
4 Doubletree Hotel in Edinburgh, Scotland.

5 19. As noted on the CWT travel itinerary (Exhibit 1), Anderson was
6 originally scheduled to return to the United States on December 5, 2019 via
7 an international flight from Edinburgh to Paris, Paris to Minneapolis and
8 Minneapolis to Phoenix. But due to a fire brigade strike in Paris, Anderson
9 was forced to alter his return trip to the United States.

10 20. As such, Anderson was rerouted back to the United States
11 through London, and on the morning of December 5, 2019, he flew from
12 Edinburgh to London on British Airways, flight BA 1435, ticket number 006-
13 2179116043. A true and correct copy of the British Airways App Store
14 confirmation and booking reference number is attached as Exhibit 5.

15 21. Anderson arrived in London and learned from his travel agent
16 that the next segment of his international flight home to the United States
17 was a flight from London to Phoenix, Arizona on British Airways, flight
18 BA0289, departing the afternoon of December 5, 2019. This flight is also
19 reflected on Exhibit 5.

20 22. Anderson, however, requested a change in flights. As such, he
21 boarded a Delta flight, no. 4348, operated by Virgin Atlantic and flew to
22 Seattle, Washington. He then boarded Delta flight 2538 on December 5, 2019
23 and flew to Phoenix, Arizona, arriving December 5, 2019, thus completing his
24 international trip. A true and correct copy of these return flight itineraries is
25 attached as Exhibit 6.

26

1 23. Anderson's international trip, as alleged above, constitutes an
2 international carriage of persons pursuant to Article 1 of the Montreal
3 Convention.

4 24. The incident that caused Anderson's bodily injury was an
5 accident.

6 25. The incident that caused Anderson's bodily injury was an
7 accident that took place in the course of the operations of embarking the
8 aircraft.

9 26. The injuries sustained by Anderson as set forth above were
10 severe and meet or exceed the maximum recoverable unde Article 21(1) of the
11 Montreal Convention, currently established at 128,821 Special Drawing
12 Rights or \$181,575.

13 27. Anderson is pursuing damages for the injuries sustained while
14 embarking the British Airways aircraft as authorized by Article 21 (1) of the
15 Montreal Convention.

16 28. As damages sought are limited to Article 21(1) of the Montreal
17 Convention, British Airways shall not be able to exclude or limit its liability.

18 **Wherefore**, having stated a claim for relief under the terms of the
19 Montreal Convention, plaintiff Anderson requests judgment in his favor and
20 against British Airways, as follows:

21 1. For Anderson's medical bills and for pain and suffering and other
22 general damages pertaining to his bodily injury, equal to the maximum of
23 128,821 Special Drawing Rights, converted into United States of America
24 currency according to the value of such currency at the date of judgment;

25 2. For costs of suit;

26 3. For such other and further relief as the Court deems appropriate;

1 DATED this 3rd day of December 2021.
2
3

4 RAYMOND, GREER & MCCARTHY, P.C.
5
6

7 By *s/Michael J. Raymond*
8 Michael J. Raymond
9 7373 N. Scottsdale Road, Suite D-210
10 Scottsdale, Arizona 85253
11 Attorneys for Plaintiffs
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26